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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,509	12/14/2000	Kyoung-Su Ha	3430-0158P	5772

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EXAMINER

AKKAPEDDI, PRASAD R

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 03/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/735,509

Applicant(s)

HA ET AL.

Examiner

Prasad R Akkapeddi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings filed on 12/14/2000 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action.

The correction will not be held in abeyance.

2. The drawing in Fig.1 is objected to because, "it should be labeled Fig 1A and Fig 1B." A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawing in Fig 7 is objected to because, "the arrows shown are incorrect." A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawing in Fig.1 is objected to as failing to comply with 37 CFR 1.84(p)(4) because "reference characters "8" and " 6" have both been used to designate "7"". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawing in Fig.1 is objected to as failing to comply with 37 CFR 1.84(p)(4) because "reference characters "11" and "P" have both been used to designate pixel region." A proposed

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drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

6. The drawing in Fig.1 is objected to as failing to comply with 37 CFR 1.84(p)(5) because "they do not include the following reference sign(s) mentioned in the description: 3,21 and 26."

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

7. The drawing in Fig.1 is objected to as failing to comply with 37 CFR 1.84(p)(5) because "they include the following reference sign(s) not mentioned in the description: 6,8,13,14 and T."

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

8. The application is generally narrative and indefinite, failing to conform with current U.S. practice. It appears to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

### *Claim Rejections - 35 USC § 112*

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected as failing to define the invention in the manner required by 35 U.S.C.

112, second paragraph.

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*The sentence "a second substrate over the second substrate" is unclear.*

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Hatanaka et.al. U.S. Patent 6,130,735, filing date June 8, 1998. Referring to claim 1, Hatanaka discloses a reflective liquid crystal device with a polarizer, retardation plate and interposed between a pair of substrates (Col 3, lines 19-25.)

11. Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by Okumura U.S. Patent 6,008,871, filing date Jan 20, 1998. Referring to claim 3, Okumura describes in Fig. 11 a transfective liquid crystal display device an upper polarizer, transparent electrodes, retardation film, liquid crystal layer, a lower polarizer and a back light assembly for generating light. Consequently, the transparent electrode can be broadly construed as having a light transmitting

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hole or many holes. Okumura further teaches that the liquid crystal layer is also sandwiched between a pair of substrates.

12. Claim 4 is rejected under 35 U.S.C 102(b) as being anticipated by Gessel U.S. Patent 5,659,378. Referring to claim 4, Gessel discloses a Liquid Crystal Display Col 1, line 21 with a first and second polarizing layers Col 3, line 15 and Col 5, line 14 and retardation films. Gessel also teaches a transmitting electrode that can be broadly construed as having a light transmitting hole. Gessel also teaches in Col 2, line 65 a light source, which provides back lighting.

13. Claims 2,5 and 9 are rejected under 35 U.S.C 102(e) as being anticipated by Hatanaka et.al U.S. Patent 6,130,735, filing date June 8,1998. As to the product-by-process limitation "UV curing" is a specific process and the limitations of the devices mentioned in claims 1,4 and 9 do not depend on its method of production. It has been recognized that "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe*, 227 USPQ 964,966 (Fed.cir.1985). See also MPEP 2113.

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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15. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hatanaka in view of Nishiguchi et.al U.S.Patent 6,067,138. Hatanaka discloses a reflective liquid crystal display device with a reflector, retardation film, liquid crystal layer and a polarizer (Col 3, lines 19-24). However, Hatanaka does not explicitly teach the composition of the retardation film. In U.S.Patent 6,067,138 Nishiguchi teaches that the retardation film is made of polymerized liquid crystal material.

16. Claims 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Okumura US Patent 6008871, in view of Nishiguchi et.al U.S.Patent 6,067,138. In Fig 11 and in (Col 1 lines 26-31) Okumura discloses a transfective liquid crystal display device with an upper polarizer, an upper glass substrate, a retardation film, liquid crystal layer, a lower glass substrate and a lower polarizer. Okumura also discloses a polarizer with a predetermined polarization orientation to transmit light which is being taken as being on the transmitting portion of the reflector. However, Okumura does not explicitly teach the composition of the retardation film. In U.S.Patent 6,067,138 Nishiguchi teaches that the retardation film is made of polymerized liquid crystal material. .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prasad R Akkapeddi whose telephone number is 703-305-4767. The examiner can normally be reached on 7:00AM to 5:30PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L. Sikes can be reached on 703-308-4842. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-4767 for regular communications and 703-305-4767 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0530.

*PRA*  
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March 7, 2002

*William L. Sikes*  
William L. Sikes  
Supervisory Patent Examiner  
Technology Center 2800